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Attorneys for Defendant
THIEN DINH LE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 2:18-cr-00322-APG-BNW
)	
v.)	
)	
THIEN DINH LE,)	
)	
Defendant.)	
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STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Defendant THIEN LE, by and through his attorney (Richard J. Pocker, Esq. of the law firm of Boies Schiller Flexner LLP), and the Plaintiff UNITED STATES OF AMERICA (hereinafter, "the Government"), by and through its attorney (Assistant United States Attorney Kevin Schiff, Esq.), that the Sentencing Hearing in the present case be continued to a date not more than sixty (60) days from the present date set for sentencing, February 3, 2020.

This Stipulation is entered into for the following reasons:

1. The present case is currently set for sentencing on February 3, 2020. The Presentence Investigation Report was disclosed on December 6, 2019, in anticipation of the

1 prior February 4th sentencing hearing. (The Court recently advanced the sentencing hearing by
2 one day from its originally scheduled date.) Objections to the Presentence Investigation Report
3 were filed on January 14, 2020, in accordance with the Court's order approving a stipulation
4 between the parties.

5 2. Given the recommendations of the Presentence Investigation Report, and given
6 the unanticipated complexity of some of the differences between the parties as to calculation of
7 the appropriate Sentencing Guideline range for the present case and the applicability of the
8 statutory "Safety Valve" provisions to Defendant LE's situation, an extension of the sentencing
9 date is hereby requested to and including a date no later than sixty (60) days after February 3,
10 2020.

11 3. In addition to the unresolved objections to the Presentence Investigation Report,
12 Defendant LE intends to file a Sentencing Memorandum to assist the Court in determining the
13 appropriate sentence to impose. The Government also contemplates filing a memorandum
14 setting forth its sentencing arguments, or other suitable pre-sentencing filings. The parties
15 contemplate that the sentencing memoranda will be on file 14 days prior to the date of the new
16 sentencing hearing.

17 4. Defendant LE is presently detained pending sentencing, and does not object to
18 this extension and continuance given the importance of resolving differences between the U.S.
19 Probation office, the Government and Defendant LE regarding "safety valve eligibility" and
20 other Sentencing Guidelines issues. In fact, granting the present Stipulation will enable him to
21 more adequately prepare for what is anticipated to be a potentially complicated sentencing
22 hearing. Recent correspondence from Defendant LE also indicates that he wishes to explore
23 other potential motions relative to the plea agreement between the parties, and that a delay is
24 necessary with respect to the gathering of additional materials for extenuation and mitigation.

25 5. The additional time requested herein is not sought for purpose of delay, but
26 merely to allow counsel sufficient time within which to complete efforts relevant to making
27 their respective sentencing presentations, in this unexpectedly complicated case. The requested
28 extension, in light of the February 3, 2020 sentencing date, will insure that the parties'

1 preparation is not adversely affected as to disposition of objections to the Presentence
2 Investigation Report and other matters to be addressed at the sentencing hearing.

3 6. This is the first request to continue the sentencing hearing in the present case.

4 DATED this 28th day of January, 2020.

5 BOIES SCHILLER FLEXNER LLP

NICHOLAS A. TRUTANICH
United States Attorney

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7 By: /s/ Richard J. Pocker
8 RICHARD J. POCKER, ESQ.
Counsel for Thien Dinh Le

By: /s/ Kevin Schiff
KEVIN SCHIFF, ESQ.
Assistant United States Attorney

9
10 **ORDER**

11 Based on the pending Stipulation of counsel, and good cause appearing,

12 IT IS HEREBY ORDERED THAT the sentencing hearing in the present case be
13 continued to Monday, April 27, 2020 at 9:30 a.m. in courtroom 6C.

14 DATED this 30th day of January, 2020.

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17 UNITED STATES DISTRICT JUDGE